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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ORACLE USA, INC., *et al.*,  
 Plaintiffs,  
 v.  
 SAP AG, *et al.*,  
 Defendants.

CASE NO. 07-CV-01658 PJH (EDL)

**STIPULATION TO PERMIT  
 PLAINTIFFS TO FILE UNDER SEAL  
 DEFENDANTS' INFORMATION  
 SUPPORTING PLAINTIFFS'  
 MOTION TO COMPEL  
 PRODUCTION OF DAMAGES-  
 RELATED DOCUMENTS AND  
 INFORMATION**

Pursuant to Local Rules 7-11(a) and 79-5(c), Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA Limited and Siebel Systems, Inc. (“Plaintiffs”) and Defendants SAP AG, SAP America, Inc. and TomorrowNow, Inc. (“Defendants,” and together with Plaintiffs, the “Parties”) jointly submit this Stipulation to Permit Plaintiffs to File Under Seal Defendants’ Information Supporting Plaintiffs’ Motion to Compel Production of Damages-Related Documents and Information.

At Defendants’ request, Plaintiffs have filed an Administrative Motion to Permit Plaintiffs to File Under Seal Defendants’ Documents Supporting Plaintiffs’ Motion to Compel Production of Damages-Related Documents and Information. The requested relief is necessary and narrowly tailored to protect the alleged confidentiality of the materials put at issue by Plaintiffs’ Motion to Compel Production of Damages-Related Documents and Information until such time as the Court makes a final ruling as to confidentiality of the relevant subject matter.

Specifically, the following documents and portions of documents contain information Defendants have instructed Plaintiffs seek permission to file under seal: (1) certain portions of Plaintiffs’ Motion to Compel Production of Damages Related Documents and Information at pp. 6:28-7:1 and 12:5-12:16; (2) certain portions of the Declaration of Amy Donnelly in Support of Plaintiffs’ Motion to Compel Production of Damages Related Documents and Information (“Donnelly Declaration”) at ¶17; and (3) Exhibit B to the Donnelly Declaration. Plaintiffs lodged copies of this material with the Court on October 20, 2009.

NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their respective counsel of record, that Plaintiffs be permitted to move for permission to file under seal the information identified in the preceding paragraph. Although the Parties agree that portions of Plaintiffs’ Motion to Compel Production of Damages Related Documents and Information may be publicly filed, the Parties also agree that the filing shall not be construed as a waiver of any confidentiality designation or other protection with respect to documents, transcripts or other information referred to in, or that serve as the basis for, the allegations or arguments made in it.

1 DATED: October 20, 2009

BINGHAM McCUTCHEN LLP

2  
3 By: /s/Zachary Alinder

4 Zachary Alinder  
5 Attorneys for Plaintiffs  
6 Oracle USA, Inc., Oracle International  
7 Corporation, and Oracle EMEA Limited

8 In accordance with General Order No. 45, Rule X, the above signatory attests that  
9 concurrence in the filing of this document has been obtained from the signatory below.

10 DATED: October 20, 2009

JONES DAY

11  
12 By: /s/ Jason McDonell

13 Jason McDonell  
14 Attorneys for Defendants  
15 SAP AG, SAP America, Inc., and  
16 TomorrowNow, Inc.